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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,211	03/26/2001	Tetsuro Iwamoto	108991	5781
25944 7590 11/19/2007 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER DASS, HARISH T	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 11/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/816,211	IWAMOTO, TETSURO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Harish T. Dass	3692	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

The following communication is in response to Applicant's amendment filed on 08/24/2007.

#### ***Status of Claims***

Claims 1-20 are pending.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, 9, 11, 13<sup>16</sup><sub>^</sub> are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al, (hereinafter Fletcher - U.S. 6,112,190) in view of Roberts et al. (hereinafter Roberts – US 4,739,487).

**With regard to Claims 9, 1, 16**, Fletcher teaches a method, system, and storage medium comprising:

calculating an estimated rating point value corresponding to a financial state changing measure applicable to a particular company, by using estimated financial data after said financial state changing measure applicable to said particular company is performed and a predetermined rating point value formula; (See Figure 19, item 343 showing a credit point value, "3.0"; see Figure 13, items 146s, 146t, showing interim

and projected financial states; see Figure 21, "credit assessment" as a function (e.g. formula) of "character", "information quality", "repayment sources", and "financial condition")

calculating numeral data that corresponds to said estimated rating point value and is associated with credit risk of said particular company by using said estimated financial data after said financial state changing measure is performed; (See Figure 18, item 324d, showing rates based on credit rating derived from the estimated financial data), outputting information concerning said estimated rating point value calculated and the calculated numeral data. (See Figure 18, representative of a GUI, and see Figure 26, "Credit Approval Summary", and "Key Evaluation Data").

Fletcher does not explicitly disclose wherein said financial, state changing measure includes at least one of repayment for interest bearing debts by funds gained by a capital increase, repayment for interest bearing debts by funds gained by a structured finance, and repayment for interest bearing debts by funds gained by selling assets.

However, Roberts this feature [Abstract; Figures 1, col. 1 lines 9-22, 44-66; col. 2 lines 24-54; col. 3 lines 14-38] to restructure the debt with low interest debt and make a gain to repay the old debt. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Fletcher and include wherein said financial, state changing measure includes at least one of repayment for interest bearing debts by funds gained by a capital increase, repayment for interest bearing debts by funds gained by a structured finance, and repayment for

Art Unit: 3692

interest bearing debts by funds gained by selling assets, as disclosed by Roberts, to restructure the debt obligation and issue new bond and pay the old bond with gain acquired from newly issued bond.

**With regard to Claims 11,3, Fletcher teaches a method and system comprising:**

calculating a rating point value corresponding to a present financial state of said particular company by using financial data that represents said present financial state of said particular company and said predetermined rating point value formula, and (See Figure 19, item 343 showing a credit point value, "3.0"; see Figure 13, items 146r, showing current annual financial data; see Figure 21, "credit assessment" as a function (e.g. formula) of "character", "information quality", "repayment sources", and "financial condition")

wherein said outputting step includes a step of outputting said rating point value corresponding to said present financial state of said particular company or an improved point value of said estimated rating point value from said rating point value corresponding to said present financial state. (See Figure 18, representative of a GUI, and see Figure 26, "Credit Approval Summary", and "Key Evaluation Data")

**With regard to Claims 13,5 Fletcher teaches a method and system comprising:**

calculating numeral data associated with present credit risk of said particular company by using financial data that represents a present financial state of said particular company, (See Figure 13, items 146r, showing current annual financial data, and see Figure 18, item 324d, showing rates based on credit risks associated with the current financial data) and wherein said outputting step includes a step of outputting said numeral data associated with said present credit risk of said particular company or an improved degree of said numeral data that corresponds to said estimated rating point value and is associated with said credit risk from said numeral data associated with said present credit risk. (See Figure 18, representative of a GUI, and see Figure 26, "Credit Approval Summary", and "Key Evaluation Data").

**Claim 8 recites:**

The system set forth in claim 1, wherein said means for calculating said estimated rating point value calculates estimated rating point values respectively corresponding to a plurality of financial state changing measures applicable to said particular company by using a plurality of estimated financial data after said plurality of financial state changing measures applicable to said particular company are performed and said predetermined rating point value formula, and multiple financial data wherein said means for calculating said numeral data associated with said estimated credit risk calculates numeral data that is associated with said estimated credit risk of said particular company and corresponds to a selected estimated rating point value of said plurality of said estimated

rating point values calculated by said means for calculating said estimated rating point value.

The Examiner interprets this claim to represent the steps wherein different sets of financial data are used to calculate different sets of credit scores and credit ratings, according to the formulas used for creating such indicators. The Examiner observes that the system used in Fletcher is capable of implementing Applicant's system. Specifically, the estimated financial data that is referred to in Figure 13 as "projected", can be changed each time the system is invoked to perform an assessment. Thus a user can use various sets of projected data to observe the effect of the data on the resultant credit scores, ratings, and financial services values.

**Claim 2,4,6-8,10,12,14-15,17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher and Roberts, as applied to claims 1, 9 and 16 above, and further in view of Johnson et al, U.S. Patent #5615408.**

Claims **10,2,17**, recite a method, system, & storage medium comprising:

stochastically estimating a rating from said estimated rating point value, and wherein said information concerning said estimated rating point value calculated is the stochastically estimated rating.

It appears that Fletcher employs a "likelihood" analysis in arriving at a credit point value, in Figures #19-20, which shows subjective assessments in addition to detailed numerical ratings of factors effecting creditworthiness. Still, Fletcher does not seem to expressly use a stochastic or probabilistic analysis in arriving at an overall credit rating of a user. However, Johnson, in discussing credit scores, teaches this exact limitation at (Col. 8, lines 53-59). Further, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Fletcher and Roberts, relating to calculating credit point values, with the teachings of Johnson, relating to stochastic determinations of variations in such values. The motivation for such a combination is within the general knowledge of one ordinarily skilled in the art, and is simply to provide greater and more precise information about a potential borrower.

**With regard to Claims 12,4,18,** Fletcher teaches a method, system and storage medium comprising:

computing an estimated rating corresponding to said estimated rating point value and said outputting step includes a step of outputting said estimated rating corresponding to said estimated rating point value (See Figure 19, item 342, showing a "good" credit quality, based on the numerical point value)

Fletcher does not expressly teach that the "expression" is a relative value based on probabilities. In terms of Applicant's claims, Fletcher does not expressly teach:



information concerning probability of said estimated rating, and outputting said information concerning said probability of said estimated rating.

However, as mentioned above, Johnson teaches this aspect of making credit determinations (see Col. 8, lines 53-59). As such, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fletcher and Roberts, relating to computing a credit rating, with the teachings of Johnson, relating to calculating probabilities of variations in the rating. The motivation for such a combination is within the general knowledge of one ordinarily skilled in the art, and is simply to provide greater and more precise information about a potential borrower.

**With regard to Claims 14,6,19,** Fletcher does not expressly teach a method and system wherein:

said numeral data associated with said estimated credit risk includes a step of calculating bankruptcy probability of said particular company

However, Johnson also teaches probability of bankruptcy as a factor in making credit determinations at (Col. 8, lines 53-59). As such it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Fletcher and Roberts, relating to calculating numeral data associated with estimated credit risk, to include a bankruptcy probability, as taught by Johnson. The motivation for such a combination is within the general knowledge of one ordinarily skilled in the art, and is simply to provide greater and more precise information about a potential borrower.

Fletcher teaches one other limitation recited by the claim:

using estimated financial data after said financial state changing measure is performed (See Figure 13, items 146s, 146t, showing interim and projected financial states).

The remaining limitation refers to using a predetermined bankruptcy probability formula, which is not taught by Fletcher. However, as discussed above in the response to arguments, Official Notice has been taken that using a predetermined formula in calculating bankruptcy probabilities is old, well known, and admitted as prior art. It would have been obvious to one of ordinary skill in the art, at the time applicant's invention was made, to combine the teachings of Fletcher and Roberts related to calculating a numeral data associated with a credit risk, to include a predetermined formula for calculating a bankruptcy probability. The motivation for such a combination is within the general knowledge of one ordinarily skilled in the art, and is simply to provide greater and more precise information about a potential borrower.

**With regard to Claims 15,7,20,** Fletcher teaches the method, system, and media comprising:

calculates numeral data concerning costs of one or a plurality of financial services applicable to said particular company (See Figure 18, item 324d, showing rates based on credit risks associated with the current financial data).

Fletcher does not expressly teach the limitation wherein:

said numeral data concerning costs corresponds to said data concerning said bankruptcy probability of said particular company.

However, as discussed above in the response to arguments, Official Notice has been taken that interest rate costs (AKA, numeral data concerning costs) corresponding to bankruptcy probabilities are old, well known, and admitted as prior art. Thus it would have been obvious to modify Fletcher and Roberts to adjust financial service rates based on a bankruptcy probability calculation. The motivation for such a combination is within the knowledge generally known to one of ordinary skill in the art, and is simply to adjust financial service rates to most accurately reflect the credit risk of all potential borrowers.

### ***Response to Arguments***

2. Applicant's arguments filed 8/24/2007 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Roberts et al. is a secondary reference and discloses the limitation not disclosed by primary reference.

In response to applicant's argument that (page 2 lines 8-10 of remarks) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem

Art Unit: 3692

with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Robert teaches restructuring of debt for another debt by calling old debt and refinancing it with new debt (see col. 10 and 11).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, restructure the debt with low interest debt and make a gain to repay the old debt. Also see *In re KSR*.

### **Conclusion**

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

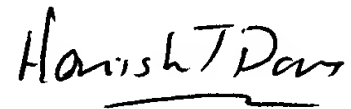
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass  
Primary Examiner  
Art Unit 3692



11/13/07